

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Cognex Corporation,

Plaintiff,

v.

Civ. No. 06-1040 (JNE/JJG)
ORDER

VCode Holdings, Inc., VData LLC,
Acacia Research Corporation
d/b/a Acacia Technologies Group,
TechSearch LLC, and Veritec Inc.,

Defendants.

In a Report and Recommendation dated September 13, 2006, the Honorable Jeanne J. Graham, United States Magistrate Judge, recommended that Defendants' motion to dismiss be granted in part and denied in part, that defendant TechSearch LLC be dismissed from this action, and that claims related to the '078 patent be dismissed without prejudice. Defendants objected to the Report and Recommendation, and Plaintiff responded. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Defendants' motion to dismiss [Docket No. 9] is GRANTED IN PART and DENIED IN PART in accordance with the terms of the Report and Recommendation.
2. Pursuant to the representations of the parties, defendant Techsearch LLC is DISMISSED from this action.
3. All claims related to the '078 patent are DISMISSED WITHOUT PREJUDICE.
4. No later than seven (7) days after this Order, the parties shall schedule a Rule 16(a) initial pretrial conference by contacting Mary Lenner, Judicial Assistant for Magistrate Judge Jeanne J. Graham, at (651) 848-1890.
5. Until an initial pretrial conference is held, the parties shall make a good faith effort to carry out reasonable preliminary discovery.

6. Cognex's application for costs and attorney fees is DENIED.

Dated: October 24, 2006

s/ Joan N. Erickson

JOAN N. ERICKSEN

United States District Judge